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JOSEPH S. TRIPOLI
THOMSON MULTIMEDIA LICENSING INC.
2 INDEPENDENCE WAY
P.O. BOX 5312
PRINCETON NJ 08543-5312

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OFFICE OF PETITIONS

In re Application of
Carolynn Rae Johnson
Application No. 09/994,410
Filed: November 27, 2001
Attorney Docket No.: PU010272
Title: METHOD AND SYSTEM FOR
BUILDING A PLAYLIST

DECISION ON RENEWED PETITION
UNDER 37 C.F.R. §1.137(b)

This is a decision on the renewed petition filed May 6, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed May 5, 2004, which set a shortened statutory period for reply of three (3) months. On November 1, 2004 an amendment was received, along with a three-month extension of time. An advisory action was mailed December 13, 2004. Accordingly, the above-identified application became abandoned on November 6, 2004.

The original petition was submitted on January 10, 2005, and was dismissed via the mailing of a decision on April 28, 2005, for failure to include the required reply.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:


- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With this renewed petition, Petitioner has submitted a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). Having made a statement which is being construed as the proper statement of unintentional delay and having submitted the petition fee, petitioner has met all other requirements for a grantable petition under 37 C.F.R. §1.137(b).

As such, the petition is **GRANTED**.

Petitioner has mistakenly submitted the petition fee a second time. The \$1500 will be refunded to his deposit account, as authorized in the petition.

The application file is being forwarded to Technology Center 2600 for consideration of the submission under 37 C.F.R. §1.114, the amendment filed on May 6, 2005.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office